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D. REMARKS

Interview Summary

On September 7, 2005, Applicants' representative conducted an interview with Examiner Hector Agdeppa. Applicants' representative and the Examiner discussed the prior art of Tatchell (US Patent 6,160,877), Argade (US Patent 5,651,055) and Carpenter (US Patent Publication 2002/0154752).

First, Applicants proposed an amendment to claim 1 to distinguish claim 1 from Tatchell (US Patent 6,160,877) and requested that the Examiner evaluate whether the proposed amendments would overcome Tatchell. The Examiner stated that the rejection under 102(b) would either be maintained or adjusted to an obviousness rejection under 103(a). The Examiner stated that Tatchell is a service agent that can be located anywhere, or that it would be likely inherent or obvious that the service agent could be located anywhere. Additionally, the Examiner stated that it would be obvious that systems with resident scheduling systems would have their own level of security. Applicants argued that it is not obvious that a scheduling system would have its own level of security and Applicants argued that claim 1 does not merely teach a scheduling system with a level of security, but teaches accessing the schedule from at least one of a first service within the trusted telephone network and a second service outside the trusted telephone network, where the additional level of security is only required for accessing the second service outside the trusted telephone network. The Examiner argued that it would be inherent that if one can access the data within the trusted telephone network, then the telephone network includes a PBX, but data accesses outside the trusted telephone network would includes accesses when a wireless telephony device is roaming. Applicants clarified that the trusted telephone network includes wireless networks, and that accesses outside the trusted telephone network are accesses to a packet-switching network, such as the Internet. The Examiner stated that Applicants should clarify that accesses outside the trusted telephone network are accesses outside a telephony based network, and instead accesses to a packet-switching network. In conclusion, no agreement was reached with respect to claim 1. Applicants are filing this amendment for further reconsideration and allowance of the claims by the Examiner.

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Next, Applicants requested clarification, in claim 2, whether the Examiner is interpreting voice recognition and voice authentication as equivalents. In particular, Applicants argued that the statement in Argade, col. 1, lines 16-24, which describes "[i]t is also known to use the incoming phone number or alternatively voice recognition, to verify a caller's identity" does not describe voice authentication and that Argade does not enable voice authentication. The Examiner responded that because Argade states "to verify a caller's identity", that voice authentication is at least known, even if voice authentication is not directly enabled in the reference. Applicants disagreed with the Examiner's interpretation of detecting a caller's identity from an incoming phone number or voice recognition as making known detecting a caller's identity from voice authentication. In conclusion, no agreement was reached with respect to claim 2. Applicants are filing this amendment for further reconsideration and allowance of the claims by the Examiner.

Additionally, Applicants requested clarification of how Tatchell teaches detecting the anticipated call time in Claim 22 and prompting the caller with a next availability time for access to the destination device according to the selection of relevant scheduled events in Claim 23. The Examiner stated that Tatchell does not teach the noted elements, but that the Carpenter reference does teach the elements. The Examiner did not provide specific references within Carpenter to indicate how Carpenter in combination with Tatchell teach the noted elements. Applicants requested a complete rejection, however, the Examiner referred to the rejections citing Carpenter. In conclusion, no agreement was reached with respect to claims 22 and 23. Applicants are filing this amendment for further reconsideration and allowance of the claims by the Examiner.

Specification

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

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Lack of Anticipation

1. Claims 1-5, 8-16, 19-27, and 30-56

Claims 1, 3-6, 8, 10-13, 15-19, and 21-23 stand rejected under 35 U.S.C. §102(b) as

being anticipated by Tatchell et al. (US Patent Number 6,160,877) (hereafter referred to as

Tatchell). "A claim is anticipated only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v.*

Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference

must be an enabling disclosure of each and every element as set forth in the claim. *In re*

Hoecksma, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA

1962). Because Tatchell no longer teaches each and every element of claims 1, 3-6, 8, 10-13,

15-19, and 21-23 or enables each and every element of these claims, these claims are not

anticipated, the rejection should be withdrawn, and the claims should be allowed.

Claims 1, 8, and 15

Independent method claim 1, which is representative of independent system claim 8 and

independent computer program product claim 15, with regard to similarly recited subject matter

and rejection, reads as follows:

> 1. (Currently Amended) A method for regulating access to a callee <u>at a</u>
> <u>communication device accessible to said callee,</u> comprising:
>   <u>detecting, at a telephone service provider for a callee within a trusted</u>
> <u>telephone network, a call initiated by a caller and intended for said callee;</u>
>   detecting<u>, at said telephone service provider,</u> an authenticated identity of
> [[a]] <u>said</u> caller placing <u>said</u> [[a]] call to <u>said</u> an-intended callee; and
>   only attempting<u>, by said telephone service provider,</u> a communication link
> between said caller and said intended callee if said authenticated identity of said
> caller is allowed access to said intended callee according to a schedule associated
> with an identity of said intended callee<u>, wherein said schedule is accessible from</u>
> <u>at least one schedule storage service located within a packet-switching network</u>
> <u>outside said trusted telephone network and communicative with said telephone</u>
> <u>service provider via a secured gateway</u>.

Applicants have amended claims 1, 8, and 15 to distinguish the invention from Tatchell

and therefore traverse the amended elements in view of Tatchell. Applicants respectfully assert

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that Tatchell does not teach, expressly or inherently, or enable the invention of amended claims 1, 8, and 15 because Tatchell does not teach or enable at least one of the elements of amended claims 1, 8, and 15.

In particular, Applicants note that the element of "detecting, at a telephone service provider for a callee within a trusted telephone network, a call initiated by a caller and intended for said callee" is supported throughout the specification, and in particular in Figures 1, 2, and 7 and paragraphs 0046 and 0047.

Tatchell does not teach or enable detecting, at said telephone service provider, an authenticated identity of said caller placing said call to said callee

Applicants respectfully assert that Tatchell does not teach or enable detecting, at said telephone service provider, an authenticated identity of said caller placing said call to said callee because Tatchell does not teach caller authentication. The Examiner cites Tatchell as "teach[ing] a method and associated system for detecting the identity of a caller placing a call to a callee via Calling Line ID (CLID) or name" in the abstract, col. 3, lines 25-44, and col. 4, lines 6-12 and cites this description as reading on "the claimed detecting an authenticated identity." [Office Action, p. 2] Col. 3, lines 32-45 of Tatchell read:

> The subscriber interface also enables the subscriber to administer the options that tailor the system to the subscriber. Access and activation of telephone features are enabled and disabled by the subscriber using voice commands. In particular, the present invention integrates Calling Line ID (CLID) with the names identified in a personal directory and/or Name Display database to enable the subscriber to use spoken names to instruct the various telephone features to work specifically on particular lines, e.g. "Call Forward all calls to voice mail except for "Mom". The voice dialing directory (or Name Display database) can then be used to identify "mom"'s phone number(s) which would be matched against the incoming CLIDs to determine how to route incoming calls.

Col. 4, lines 6-12 read:

> In accordance with another feature of the present invention, incoming call management is provided by the Personal Agent by making use of a contact database having the telephone numbers and prerecorded names of the subscriber's commonly-known contacts such that incoming call screening based on calling line identification can provide the subscriber with the prerecorded name of the calling party.

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Applicants note that Tatchell describes matching a CLID within a database to identify a name prerecorded by the callee in a database in association with a particular line number. *Tatchell*, col. 4, lines 6-12. Tatchell does not teach "detecting the identity of a caller placing a call to a caller via CLID or name" as stated by the Examiner, but merely describes matching the CLID within a database and providing the subscriber with a prerecorded name matched to the CLID in the database. *Tatchell*, col. 4, lines 6-12. Tatchell describes a single "name" associated with multiple numbers, but not multiple names associated with a single number or a method, system, or program to detect the actual identity or name of the actual person calling from a particular CLID. *Tatchell*, col. 3, lines 35-45.

In contrast, claim 1 teaches a telephone service provider detecting an authenticated identity of a caller. The Free On-line Dictionary of Computing defines authentication as "The verification of the identity of a person or process. In a communication system, authentication verifies that messages really come from their stated source, like the signature on a (paper) letter." (The Free On-line Dictionary of Computing, 1993-2005, Denis Howe). Thus, an authenticated identity would be one that identifies the actual identity of the caller; an authenticated identity is not taught or enabled merely by detecting a CLID or merely by detecting a prerecorded name designated by the callee in a database in association with a CLID.

Therefore, because Tatchell does not teach or enable detecting at a telephone service provider, an authenticated identity of the caller, Tatchell does not teach or enable at least one element of claims 1, 8, and 15. Because Tatchell does not teach or enable at least one element of claims 1, 8, and 15, the rejection under 102(b) should be removed and the claims allowed.

Tatchell does not teach or enable only attempting, by said telephone service provider, a communication link between said caller and said callee if said authenticated identity of said caller is allowed access to said callee according to a schedule associated with an identity of said callee, wherein said schedule is accessible from at least one schedule storage service located within a packet-switching network outside said trusted telephone network and communicative with said telephone service provider via a secured gateway.

Applicants respectfully assert that Tatchell does not teach or enable only attempting, by said telephone service provider, a communication link between said caller and said callee if said

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authenticated identity of said caller is allowed access to said callee according to a schedule associated with an identity of said callee, wherein said schedule is accessible from at least one schedule storage service located within a packet-switching network outside said trusted telephone network and communicative with said telephone service provider via a secured gateway because Tatchell does not teach or enable an accessible schedule storage service located within a packet-switching network outside the trusted telephone network. The Examiner cites Tatchell as "teach[ing] only attempting to connect the caller if the identity of the caller is allowed to access the callee according to the caller's schedule" in the abstract, Fig. 5b, col. 3, lines 33-44, col. 10, lines 40-43, col. 18, lines 23-col. 20, line 13, and col. 21, lines 9-18. [Office Action, p. 2] The abstract of Tatchell, lines 1-3, describes that "[a] subscriber interface operating as a Personal Agent is provided to simplify, enhance, and integrate the currently fragmented telephone services." Fig. 5b of Tatchell shows an example of a contact database with the name, location, CLID, spoken name, categories, and priority for each entry. Col. 10, lines 40-43 read: "As will be explained further below, various options are available to a Personal Agent subscriber in the screening, routing or forwarding of incoming calls based on the subscriber profile and calling line ID of the calling party." Col. 21, lines 3-7 describe "Table 6.0 provides an example of the call forwarding schedule database. This table defines the default network addresses that the subscriber has selected for receiving calls during the identified time interval." Table 6.0 then lists time periods, such as "7:30-8:30", and a network address, such as "cellular".

Regardless of whether the Examiner's previous assertions were correct, Applications amend claims 1, 8, and 15 to distinguish the claimed invention from Tatchell. In particular, Applicants have amended claims 1, 8, and 15 to distinguish that the schedule for a callee to receive calls from particular callers is accessible from at least one schedule storage service located within a packet-switching network outside the trusted telephone network and the schedule storage service communicates with the telephone service provider via a secured gateway. Applicants note that the Personal Agent of Tatchell, as illustrated in Figures 1 and 2 at element 11, is described as located "at one or more telephone switching centers." *Tatchell*, col. 7, lines 15-32. Thus, Tatchell does not teach or enable a schedule database accessible to a

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telephone service provider from outside a telephone switching center, or trusted telephone network. Further, Applicants note that during the interview, the Examiner agreed that a service provided from a packet-switching network was not within the scope of the trusted telephone network. The specification supports the amendment throughout, and in particular in Figure 1 and paragraphs 0043, 0060-0062, 0074, and 0091. Therefore, because Tatchell does not teach or enable an accessible schedule storage service located within a packet-switching network outside the trusted telephone network, Tatchell does not teach or enable at least one element of claims 1, 8, and 15. Because Tatchell does not teach or enable at least one element of claims 1, 8, and 15, the rejection under 102(b) should be removed and the claims allowed.

Claims 3-6, 10-13, and 16-19

Because claims 1, 8, and 15 are not anticipated by Tatchell, at least by virtue of their dependency on claims 1, 8, and 15, Tatchell does not teach or enable each element of dependent claims 3-6, 10-13, and 16-19 under 35 U.S.C. §102(b). Because anticipation is not established for claims 3-6, 10-13, and 16-19, Applicants respectfully request allowance of claims 3-6, 10-13, and 16-19.

In addition, with regards to claims 3, 10, and 16, Applicants respectfully assert that anticipation is not established in view of Tatchell. Claim 3 reads:

3.   (Currently Amended) The method for regulating access according to claim 1, further comprising:
        accessing said schedule at a destination device available to said ~~intended~~ callee.

In rejecting claims 3, 10, and 16, the Examiner cites the rejection of claim 1 and "note[s] that Tatchell et al. inherently teaches accessing a schedule or else the callee's preferences would not be known to the system." [Office Action, p. 2] Regardless of whether the Examiner's assertion as to what Tatchell inherently teaches is correct, the Examiner's assertion does not show how Tatchell teaches or enables the claimed element of accessing the schedule *at a destination device* available to the callee. Further, Applicants note that Tatchell does not teach or enable accessing the callee's preferences or a schedule from the destination device and moreover, Tatchell only shows the Personal Agent processor and contact database separate from a destination device.

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Tatchell, Figures 1, 2a, and 2b. Therefore, because the Examiner does not reject the element of accessing the schedule at a destination device and Tatchell does not anticipate claims 3, 10, and 16 and the claims should be allowed.

<u>Claim 21</u>

Claim 21 currently reads:

> 21. (Currently Amended) A method for regulating access to a destination device comprising:
> detecting, <u>at a telephone service provider within a trusted telephone network,</u> an authenticated identity of a caller placing a call to a destination device; and
> only attempting, <u>by said telephone service provider,</u> a communication link between said caller and said destination device if said authenticated identity of said caller is allowed access to said destination device according to a schedule associated with said destination device<u>, wherein said schedule is accessible from at least one schedule storage service located within a packet-switching network outside said trusted telephone network and communicative with said telephone service provider via a secured gateway.</u>

The Examiner rejects claim 21 on the same grounds as the rejection of claims 1, 8, and 15. [Office Action, p. 2] The Examiner also notes that "there will always be a destination device such as a telephone unit associated with the intended callee or else the callee would be unreachable." [Office Action, p. 2]

First, Applicants respectfully assert that the Examiner's statement "there will always be a destination device such as a telephone unit associated with the intended callee or else the callee would be unreachable" is flawed. Applicants note that a caller may place a call to a particular destination device, independent of any callee who may answer the call at the destination device. Paragraph 0133 of the specification describes circumstances where a schedule is associated with a destination device, but not a particular callee. Thus, because destination devices are callee independent, there is not always a destination device associated with an intended callee.

Second, Applicants respectfully assert that claims 1 and 21 are different, under the doctrine of claim differentiation, and therefore should not be rejected under the same grounds. The doctrine of claim differentiation stems from 'the common sense notion that different words

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or phrases used in separate claims are presumed to indicate that the claims have different means and scope." *Karlin Tech. Inc. v. Surgical Dynamics, Inc.*, 177 F.3d 968, 971-72 [50 USPQ2d 1465] (Fed. Cir. 1999). Claim 1 teaches detecting the authenticated identity of a caller placing a call to an intended callee, where the schedule is associated with the actual identity of the callee independent of which device the callee is reached at. In contrast, claim 21 teaches detecting the authenticated identity of a caller placing a call to a particular destination device, where the schedule is associated with the destination device independent of who is available to answer the call at the destination device. Thus, clearly, claims 1 and 21 cover different subject matter and the differing subject matter should be separately rejected.

Third, Applicants respectfully assert that Tatchell does not teach or enable claim 21 because Tatchell does not teach or enable a schedule associated with the destination device that is accessible from at least one schedule storage service located within a packet-switching network outside said trusted telephone network and communicative with the telephone service provider via a secured gateway. In particular, regardless of whether the Examiner's previous assertions were correct, Applications amend claim 21 to distinguish the claimed invention from Tatchell. In particular, Applicants amend claim 21 to distinguish that the schedule for a destination device to receive calls from particular callers is accessible from at least one schedule storage service located within a packet-switching network outside the trusted telephone network and the schedule storage service communicates with the telephone service provider via a secured gateway. Applicants note that the Personal Agent of Tatchell, as illustrated in Figures 1 and 2 at element 11, is described as located "at one or more telephone switching centers." *Tatchell*, col. 7, lines 15-32. Thus, Tatchell does not teach or enable a schedule database accessible to a telephone service provider from outside a telephone switching center, or trusted telephone network. Further, Applicants note that during the interview, the Examiner agreed that a service provided from a packet-switching network was not within the scope of the trusted telephone network. The specification supports the amendment throughout and, in particular, in Figures 1 and 11 and paragraphs 0060-0062, 0074, and 0091, 0173. Therefore, because Tatchell does not teach or enable an accessible schedule storage service located within a packet-switching network outside the trusted telephone network, Tatchell does not teach or enable at least one element of

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claim 21. Because Tatchell does not teach or enable at least one element of claim 21, the rejection under 102(b) should be removed and the claims allowed.

Claim 22

Claim 22 currently reads:

> 22. (Original) A method for time based regulation comprising:
> detecting a context for a call comprising an identity of a caller and an anticipated call time; and
> only attempting a communication link between said caller and a destination device if a time scheduled for said destination device is sufficient for said anticipated call time and said caller is allowed access to an intended callee at said destination device during said time scheduled.

The Examiner rejects claim 22 in view of the rejection of claim 1. [Office Action, p. 3] In addition, the Examiner states:

> Tatchell et al. also teaches grouping certain potential callers according to certain categories, such as calls from the hockey team. A call determined to be from one of a person on the hockey team will likely be about hockey or the hockey team, thus reading on the claimed context. Even if the call were about something else, the categorization would be enough to read on the context as well. [Office Action, p. 3]

Applicants note that during the interview, Applicants requested clarification of how Tatchell teaches the elements of "detecting an anticipated call time" and "if a time scheduled for said destination device is sufficient for said anticipated call time and said caller is allowed access to an intended callee at said destination device during said time scheduled." The Examiner agreed that Tatchell does not teach these elements, but stated that the Carpenter reference, in general, teaches these elements.

First, Applicants request that if the Examiner is now relying on a combination of references in the rejection of claim 22, the Examiner provide a rejection under 103(a) that addresses all the elements of claim 22 and attempts to carry the Examiner's burden of proving prima facie obviousness. In addition, Applicants note that Carpenter does not address the element of detecting a context for a call including an anticipated call time. In

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particular, Carpenter describes that "with the "Fone Filter" Telephone Privacy Filter built into answering machines and voice mail systems, people could select periods of the day when they wish not to be disturbed, such as dinner time, the time their children nap, or private time when they simply want some quiet privacy." *Carpenter*, paragraph 0006. Neither Tatchell nor Carpenter teach detecting a context for a call that includes the anticipated call time.

Second, Applicants respectfully assert that that the difference between claim 1 and claim 22 is not merely detecting a context for a call that is grouping or categorization. First, as previously noted, claim 22 teaches receiving a context that includes an anticipated call time; claim 1 does not describe an anticipated call time or regulating access dependent upon whether there is sufficient time in a schedule for the anticipated call time. Second, Applicants note that claim 22 teaches regulation of access to the destination device if both the time scheduled for the destination device is sufficient for the anticipated call time and the caller is allowed access to an intended callee at the destination device during the time scheduled. Thus, the schedule is dependent on the destination device called and on the accessed allowed to the intended callee at the destination device. Claim 1 only describes regulation of access to a callee based on the callee schedule. Therefore, the Examiner does not address in the rejection of claim 22, nor does Tatchell teach or enable a context that includes an anticipated call time or regulation of access to the destination device only if both the time scheduled for the destination device is sufficient for the anticipated call time and the caller is allowed access to an intended callee at the destination device during the time scheduled. Therefore, Applicants respectfully assert that because Tatchell does not teach at least one element of claim 22, the claim is not anticipated and should be allowed.

Claim 23

Claim 23 currently reads:

23.   (Original) A method for time based regulation of a destination device, comprising:

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    detecting a context for a call comprising an identity of a caller and an
anticipated call time;
      filtering a schedule for a destination device according to said context for
said call to determine a selection of relevant scheduled events; and
      prompting said caller with a next available time for access to said
destination device according to said selection of relevant scheduled events.

The Examiner rejects claim 23 in view of the rejections of claims 1 and 22 and further states:

> Tatchell et al. teaches that calls may be prioritized, wherein such prioritization
> reads on the claimed scheduled event. (Col. 19, lines 12-15) Note that on pages
> 8-9 of applicant's specification, a priority level may indicate a scheduled event.
> Also note that as already discussed above, Tatchell et al. teaches the use of
> schedules in addition to and in conjunction with desired call dispositions and
> preferences regarding the routing of calls. Hence, it is inherent that a schedule
> would be "filtered." [Office Action, p. 3]

  Applicants note that during the interview, Applicants requested clarification of
how Tatchell teaches the elements of "detecting an anticipated call time" or "prompting
said caller with a next available time for access to said destination device according to
said selection of relevant scheduled events." The Examiner agreed that Tatchell does not
teach these elements, but stated that the Carpenter reference, in general, teaches these
elements.

  First, Applicants respectfully assert that Tatchell does not teach, nor does the
Examiner point to any teaching of detecting a context comprising an anticipated call
time, filtering a schedule for a destination device according to the anticipated call time to
determine a selection of relevant scheduled events, or prompting the caller with a next
available time for access to the destination device according to the selection of relevant
scheduled events. Therefore, because Tatchell does not teach at least one element of
claim 23, the claim is not anticipated and should be allowed.

  Second, Applicants request that if the Examiner is now relying on a combination
of references in the rejection of claim 23, the Examiner provide a rejection under 103(a)
that addresses all the elements of claim 23 and attempts to carry the Examiner's burden
of proving prima facie obviousness. In addition, Applicants note that Carpenter does not
address the element of detecting a context for a call including an anticipated call time,
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filtering a schedule according to an anticipated call time or prompting the caller with a

next available time according to the selection of relevant scheduled events. In particular,

Carpenter describes that "with the "Fone Filter" Telephone Privacy Filter built into

answering machines and voice mail systems, people could select periods of the day when

they wish not to be disturbed, such as dinner time, the time their children nap, or private

time when they simply want some quiet privacy." *Carpenter*, paragraph 0006. Neither

Tatchell nor Carpenter describe detecting a context for a call that includes the anticipated

call time, filtering a schedule according to the caller identity and anticipated call time to

detect relevant scheduled events, or prompting the caller with a next available time for

access to the destination device according to the selection of relevant scheduled events.

Lack of Obviousness

Claims 2 and 9

Claims 2 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over

Tatchell in view of Argade (US Patent 5,651,055). The rejection is respectfully traversed. In

particular, the Examiner carries the burden of proving a prima facie case of obviousness for a

103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case

of obviousness for 2 and 9, the rejection should be withdrawn and the claims should be allowed.

Dependent method claim 2, which is representative of dependent system claim 9, with

regard to similarly recited subject matter and rejection, reads as follows:

> 2.(Original) The method for regulating access according to claim 1, wherein said
> authenticated identity of said caller is authenticated by voice identification.

In the rejection of claims 2 and 9, the Examiner states:

> "what Tatchell et al. does not teach is authenticating the caller by voice
> identification. However, biometric identification, especially voice, is notoriously
> old and well known in the telephony arts as taught by Argade. (Col. 1, lines 16-
> 24 of Argade) It would have been obvious for one of ordinary skill in the art at
> the time the invention was made to have used voice authentication in the
> invention of Tatchell et al. inasmuch a Argade teaches that voice authentication is
> one method of identifying a caller for a call screening system. Likewise, Tatchell
> et al. as discussed above teaches a call screening system, and more importantly,
> using voice recognition to allow a subscriber or callee to program his/her call

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disposition, call list(s), as the method of receiving callee name information, etc. (Col. 4, lines 6-13, col. 9, lines 29-43, col. 11, line 49-col. 12, lines 14, col. 16, lines 52-67, col. 17, lines 22-32 of Tatchell et al.). Therefore, Tatchell et al. would already have the requisite functionality to use voice recognition to identify and/or authenticate a caller. Moreover, Tatchell et al. merely teaches using another old and well-known alternative means of identification, i.e., CLID. Therefore substituting one known method of identification for another would be an obvious design choice or preference. [Office Action, pp. 4-5]

In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Applicants respectfully assert that Tatchell in combination with Argade does not teach or suggest each and every element of claims 2 and 9 because the voice recognition of Argade does not teach or suggest authentication by voice identification.

In the rejection, the Examiner states Argade, col. 1, lines 16-24 as an example of biometric identification, especially voice, is notoriously well known in the telephony arts. [Office Action, p. 4] Applicants respectfully disagree with the Examiner's assertion that Argade provides an example of biometric identification. Col. 1, lines 16-24 of Argade, read:

> "For example, it is known to utilize a private code that is entered by the calling party on a touch-tone pad before allowing access to the called party. However, this requires prior arrangement between the called and calling parties that may not be convenient in many cases, and is susceptible to lost or misplaced codes and various other problems. It is also known to use the incoming phone number or alternatively voice recognition, to verify a caller's identity."

Thus, Argade's only reference to verify a caller's identity is through the use of an incoming phone number or voice recognition. The Examiner agreed during the interview that voice recognition is not biometric voice authentication, however, the Examiner argued during the interview that Argade's statement "to verify a caller's identity" reads on voice authentication. Applicants respectfully submit that the statement "to verify a caller's identity", which is preceded specifically by use of the incoming phone number or alternatively voice recognition, is clearly referring to phone number or voice recognition based caller identification and not to biometric based voice authentication. Therefore, Applicants respectfully assert that the

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Examiner is in error in relying on Argade as support for "biometric identification" as "notoriously well known in the telephony arts." Because Argade does not teach voice authentication, separately or in combination, Tatchell and Argade do not teach voice authentication and therefore prima facie obviousness is not proven and the claims should be allowed.

Claims 7, 14, 20, and 24-30

Claims 7, 14, 20, and 24-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatchell in view of Carpenter (US Publication 2002/0154752).

First, with respect to claims 7, 14, and 20, dependent method claim 7, which is representative of dependent system claim 14 and dependent computer program product claim 20, with regard to similarly recited subject matter and rejection, reads as follows:

> 7. (Currently Amended) The method for regulating access according to claim 1, further comprising:
> regulating said call by controlling output of a message to a caller indicating an available time for said caller to reach said intended callee, wherein said caller is prompted with a selectable option to request an appointment during said available time be added to said schedule for said callee; and
> responsive to receiving input from said caller of said selectable option, adding said appointment during said available time to said schedule for said callee, wherein said appointment restricts said callee to only receive a call from said caller during said available time.

In rejecting claims 7, 14, 20, the Examiner states:

> Tatchell does not teach outputting a message indicating an available time to reach the callee. However, Carpenter teaches a call screening device wherein a callee can set schedules as to when he/she would like to receive calls, and when he/she would like privacy, including outputting a message indicating when a caller can reach him/her. (Abstrct, P. 1, paragraphs 0006-0007 of Carpenter). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined Carpenter and Tatchell et al. inasmuch as both Tatchell et al. and Carpenter teach call privacy systems and both Tatchell et al. and Carpenter teach outputting certain messages to callers.... [Office Action, pp. 5-6]

Carpenter, paragraphs 0006-0007 describes:

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With the "Fone Filter" Telephone Privacy Filter built into answering machines and voice mail systems, people could select periods of the day when they wish not to be disturbed, such as dinner time, the time their children nap, or private time when they simply want some quiet privacy.

On an answering machine or voicemail system, the user would select a time period he/she would prefer that the phone doesn't ring at all. For example, Mrs. Smith's baby naps from noon to 1 p.m. every day. Mrs. Smith could program her system to greet all callers during that time period with a custom message that should would record herself, something to the effect of, "Thank you for calling the Smiths. Our baby naps during this time so we prefer not to take phone calls until after one o'clock. If your call is an emergency and you need to speak with us immediately, press 9 for your call to ring through, otherwise, leave a message after the beep...."

Regardless of whether the Examiner's previous assertions are correct, Applicants amend claims 7, 14, and 20 to distinguish the claims from Tatchell in view of Carpenter and traverse the rejection in view of the amended claims. In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). In particular, Tatchell in view of Carpenter does not teach or suggest each and every element of amended claims 7, 14, and 20 because Carpenter does not teach prompting a caller with a selectable option to request an appointment during the available time to be added to the schedule for the callee or responsive to receiving input of the selectable option, adding the appointment during the available time to the schedule for the callee. Carpenter describes the caller's options as leaving a message or, in the event of an emergency, pressing a button to connect through to the callee. Neither Tatchell nor Carpenter, separately or in combination, teaches or suggests the amended elements of claims 7, 14, and 20. The specification supports the amendment throughout and, in particular, in paragraphs 0142 and 0165. Therefore, because the references do not teach at least one element of amended claims 7, 14, and 20, the claims are not obvious under Tatchell in view of Carpenter under 35 U.S.C. 103(a) and therefore claims 7, 14, and 20 should be allowed.

Next, regarding claims 26 and 29, the Examiner rejects claims 26 and 29 on the same grounds as claims 7, 14, and 20. Applicants note, however, that claims 26 and 29 include similar subject matter to claim 23, which is discussed in full above. The Examiner's statement that the only element not taught by Tatchell in claims 26 and 29 is "outputting a message indicating an

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available time to reach the callee" is in error. As previously discussed with reference to claim 23, Tatchell does not teach, nor does the Examiner point to any teaching of means for detecting a context comprising an anticipated call time, means for filtering a schedule for a destination device according to the anticipated call time to determine a selection of relevant scheduled events, or means for prompting the caller with a next available time for access to the destination device *according to the selection of relevant scheduled events*. Even if Carpenter teaches "outputting a message indicating an available time to reach the callee", the combination of Tatchell and Carpenter still do not teach or suggest each and every element of claims 26 and 29. Therefore, because the references do not teach at least one element of amended claims 26 and 29, the claims are not obvious under Tatchell in view of Carpenter under 35 U.S.C. 103(a) and therefore claims 26 and 29 should be allowed.

Regarding claims 24, 25, 27, 28 and 30, these claims are dependent upon independent claims 23, 26, and 29, which are not properly rejected and therefore should be allowed. As dependent claims of allowable independent claims, Applicants respectfully request allowance of dependent claims 24, 25, 27, 28, and 30.

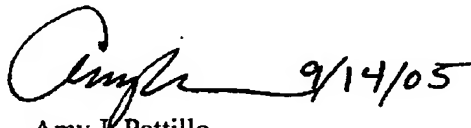AUS920010848US1   30

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Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,

9/14/05

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